

PATENT

Attorney Docket No. AMBER-06819

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kenneth J. Rothschild *et al.*

Serial No.: 09/973,145

Filed: 10/09/2001

Entitled: N-Terminal and C-Terminal Markers In Nascent Proteins

Group No.: 1636

Examiner: Ketter

**TERMINAL DISCLAIMER
UNDER 37 C.F.R. §1.321(c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 13, 2004

By

Traci E. Light

I, Peter G. Carroll, represent that I am an attorney of record in the prosecution of the patent application captioned above. The Assignee of this patent application, AMBERGEN, is the owner of one-hundred percent (100%) interest in the instant application. The assignment from the inventors was recorded on March 25, 2002, in the Patent and Trademark Office at Reel 012727, Frame 0118.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,303,337, and hereby agrees that any patent so granted on the above-identified instant application shall be enforceable only for and during such period that the legal title to said patent be the same as the legal title to the above referenced allowed patent application, this agreement to run with any patent granted on the above-identified instant application and to be binding upon the grantee, its successors or assigns.

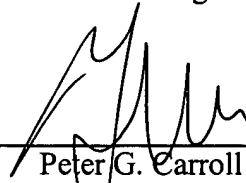
In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, in the event that, once issued, the patent corresponding to U. S. Patent No. 6,303,337 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed

under, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is empowered to act on behalf of the Assignee.

Dated: July 13, 2004



Peter G. Carroll
Registration No. 32,837

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105